

AO 106 (Rev. 04/10) Application for a Search Warrant

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT

for the

Western District of Washington

BY

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)Information associated with Facebook Account
100002088505538, with user name MONROE EZELL,
that is stored at premises controlled by Facebook.

Case No.

MJ16-229

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated by reference.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☐ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

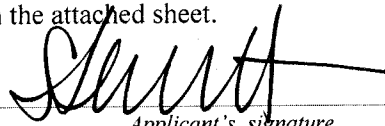
Code Section
18 U.S.C. § 3583(d)

Offense Description
Violations of Conditions of Supervised Release

The application is based on these facts:

See Affidavit of United States Marshal Samantha Lambert, attached hereto and incorporated herein by reference.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Samantha Lambert, Deputy United States Marshal

Printed name and title

Sworn to before me and signed in my presence.

Date:

May 18, 2016

City and state: Seattle, Washington


Judge's signature

The Honorable Mary Alice Theiler, Magistrate Judge

Printed name and title

AFFIDAVIT

STATE OF WASHINGTON)

) ss

COUNTY OF KING)

I, Samantha Lambert, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for certain information associated with Facebook account 100002088505538, with the user name MONROE EZELL, stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Facebook to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Deputy United States Marshal (DUSM) assigned to the Western District of Washington, Seattle Office. I began my employment with the United States Marshals Service in 2009. I graduated from the United States Marshals Service Training Academy and the Federal Law Enforcement Training Center for Criminal Investigators. I am currently assigned to the Pacific Northwest Violent Offender Task Force in the Western District of Washington. One of my responsibilities is to locate and apprehend fugitives and bring them before the court for their charged crimes.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit

1 is intended to set forth the facts relevant to the determination of probable cause for the
2 requested warrant, and does not set forth all of my knowledge about this matter.

3 4. Based on my training and experience and the facts set forth in this affidavit,
4 I believe there is probable cause to search the information described in Attachment A as
5 it is likely to be relevant and material to the ongoing federal criminal investigation of
6 MONROE EZELL for Violation of Conditions of Supervision, based on MONROE
7 EZELL's original charge of Felon in Possession of a Firearm, in violation of Title 18,
8 United States Code, Section 922(g)(1).

9 **THE INVESTIGATION**

10 5. On March 11, 2016, the Western District of Washington issued an arrest
11 warrant for MONROE EZELL. MONROE EZELL is wanted for violating the conditions
12 of his supervised release by failing to report for drug testing on February 3, 4, 8, 9, and
13 19, 2016, and March 3, 2016, and failing to report to his probation officer as directed on
14 March 3, 2016, in violation of the special and standard conditions as directed in violation
15 of Title 18, United States Code, Section 3563(b). The United States Probation Office had
16 been in contact with MONROE EZELL until March 3, 2016. MONROE EZELL has
17 since broken all contact with the U.S. Probation Office.

18 6. As of this writing, MONROE EZELL has not surrendered himself on the
19 outstanding warrant. On May 10, 2016, MONROE EZELL made contact with law
20 enforcement to take steps toward self-surrendering on May 16, 2016. As of May 16,
21 2016, MONROE EZELL has failed to self-surrender and has ceased contact with law
22 enforcement.

23 7. MONROE EZELL appears to have a Facebook account with the profile
24 name "Monroe Ezell." The profile picture on this account clearly appears to be
25 MONROE EZELL, based on my review of driver's license photographs and previous
26 booking photos of him. This account still appears to be active. Most of the information
27 contained within the account appears to be blocked from the public. In addition, the
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1 friends of "Monroe Ezell" include known associates and family members of MONROE
2 EZELL.

3 8. On April 5, 2016, I obtained an order for pen register and trap and trace
4 device for Facebook account 100002088505538 "Monroe Ezell." The data and
5 information obtained through the above-mentioned order has not led to the location and
6 arrest of MONROE EZELL.

7 9. I believe that information contained in MONROE EZELL's Facebook
8 account will assist in his location and apprehension. For example, internet protocol (IP)
9 addresses that MONROE EZELL has used to access the account may be used to
10 determine MONROE EZELL's physical location. Communications between MONROE
11 EZELL and others contained in the account may identify locations at which MONROE
12 EZELL has been and/or is planning to be, and will identify persons with whom
13 MONROE EZELL is in contact who may have knowledge of his whereabouts. Further,
14 photographs contained in the account may similarly depict places that MONROE EZELL
15 has been, and may be used to identify persons with whom MONROE EZELL has been in
16 contact, who may have knowledge of his whereabouts.

17 **FACEBOOK SOCIAL NETWORKING SERVICES**

18 10. Facebook owns and operates a free-access social networking website of the
19 same name that can be accessed at <http://www.facebook.com>. Facebook allows its users
20 to establish accounts with Facebook, and users can then use their accounts to share
21 written news, photographs, videos, and other information with other Facebook users, and,
22 sometimes, with the general public.

23 11. Facebook asks users to provide basic contact and personal identifying
24 information, either during the registration process or thereafter. This information
25 includes the user's full name, birth date, gender, contact email addresses, Facebook
26 passwords, Facebook security questions and answers (for password retrieval), physical
27 address (including city, state, and zip code), telephone numbers, screen names, websites,
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1 and other personal identifiers. Facebook also assigns a user identification number to each
2 account.

3 12. Facebook users may join one or more groups or networks to connect and
4 interact with other users who are members of the same group or network. Facebook
5 assigns a group identification number to each group. A Facebook user can also connect
6 directly with individual Facebook users by sending each user a "Friend Request." If the
7 recipient of a "Friend Request" accepts the request, then the two users will become
8 "Friends" for purposes of Facebook and can exchange communications or view
9 information about each other. Each Facebook user's account includes a list of that user's
10 "Friends" and a "News Feed," which highlights information about the user's "Friends,"
11 such as profile changes, upcoming events, and birthdays.

12 13. Facebook users can select different levels of privacy for the
13 communications and information associated with their Facebook accounts. By adjusting
14 these privacy settings, a Facebook user can make information available only to himself or
15 herself, to particular Facebook users, or to anyone with access to the Internet, including
16 people who are not Facebook users. A Facebook user can also create "lists" of Facebook
17 friends to facilitate the application of these privacy settings. Facebook accounts also
18 include other account settings that users can adjust to control, for example, the types of
19 notifications they receive from Facebook.

20 14. Facebook users can create profiles that include photographs, lists of
21 personal interests, and other information. Facebook users can post "status" updates about
22 their whereabouts and actions, as well as links to videos, photographs, articles, and other
23 items available elsewhere on the Internet. Facebook users can also post information
24 about upcoming "events," such as social occasions, by listing the events' time, location,
25 host, and guest list. In addition, Facebook users can "check in" to particular locations or
26 add their geographic locations to their Facebook posts, thereby revealing their geographic
27 locations at particular dates and times. A user's profile page also includes a "Wall,"
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1 which is a space where the user and his or her “Friends” can post messages, attachments,
2 and links that typically are visible to anyone who can view the user’s profile.

3 15. Facebook allows users to upload photos and videos. It also provides users
4 the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is
5 tagged in a photo or video, he or she receives a notification of the tag and a link to see the
6 photo or video. For Facebook’s purposes, the photos and videos associated with a user’s
7 account will include all photos and videos uploaded by that user that have not been
8 deleted, as well as all photos and videos uploaded by any user that have that user tagged
9 in them.

10 16. Facebook users can exchange private messages on Facebook with other
11 users. These messages, which are similar to e-mail messages, are sent to the recipient’s
12 Facebook “Inbox,” which also stores copies of messages sent by the recipient, as well as
13 other information. Facebook users can also post comments on the Facebook profiles of
14 other users or on their own profiles; such comments are typically associated with a
15 specific posting or item on the profile. In addition, Facebook has a Chat feature that
16 allows users to send and receive instant messages through Facebook. These chat
17 communications are stored in the chat history for the account. Facebook also has a Video
18 Calling feature, and, although Facebook does not record the calls themselves, it does keep
19 records of the date of each call.

20 17. If a Facebook user does not want to interact with another user on Facebook,
21 the first user can “block” the second user from seeing his or her account.

22 18. Facebook has a “like” feature that allows users to give positive feedback or
23 connect to particular pages. Facebook users can “like” Facebook posts or updates, as
24 well as webpages or content on third-party (i.e., non-Facebook) websites. Facebook
25 users can also become “fans” of particular Facebook pages.

26 19. Facebook has a search function that enables its users to search Facebook for
27 keywords, usernames, or pages, among other things.

1 20. Each Facebook account has an activity log, which is a list of the user's
2 posts and other Facebook activities from the inception of the account to the present. The
3 activity log includes stories and photos that the user has been tagged in, as well as
4 connections made through the account, such as "liking" a Facebook page or adding
5 someone as a friend. The activity log is visible to the user but cannot be viewed by
6 people who visit the user's Facebook page.

7 21. Facebook Notes is a blogging feature available to Facebook users, and it
8 enables users to write and post notes or personal web logs ("blogs"), or to import their
9 blogs from other services, such as Xanga, LiveJournal, and Blogger.

10 22. The Facebook Gifts feature allows users to send virtual "gifts" to their
11 friends that appear as icons on the recipient's profile page. Gifts cost money to purchase,
12 and a personalized message can be attached to each gift. Facebook users can also send
13 each other "pokes," which are free and simply result in a notification to the recipient that
14 he or she has been "poked" by the sender.

15 23. Facebook also has a Marketplace feature, which allows users to post free
16 classified ads. Users can post items for sale, housing, jobs, and other items on the
17 Marketplace.

18 24. In addition to the applications described above, Facebook also provides its
19 users with access to thousands of other applications on the Facebook platform. When a
20 Facebook user accesses or uses one of these applications, an update about that the user's
21 access or use of that application may appear on the user's profile page.

22 25. Some Facebook pages are affiliated with groups of users, rather than one
23 individual user. Membership in the group is monitored and regulated by the
24 administrator or head of the group, who can invite new members and reject or accept
25 requests by users to enter. Facebook can identify all users who are currently registered to
26 a particular group and can identify the administrator and/or creator of the group.
27 Facebook uses the term "Group Contact Info" to describe the contact information for the
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1 group's creator and/or administrator, as well as a PDF of the current status of the group
2 profile page.

3 26. Facebook uses the term "Neoprint" to describe an expanded view of a given
4 user profile. The "Neoprint" for a given user can include the following information from
5 the user's profile: profile contact information; News Feed information; status updates;
6 links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists,
7 including the friends' Facebook user identification numbers; groups and networks of
8 which the user is a member, including the groups' Facebook group identification
9 numbers; future and past event postings; rejected "Friend" requests; comments; gifts;
10 pokes; tags; and information about the user's access and use of Facebook applications.

11 27. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP
12 address. These logs may contain information about the actions taken by the user ID or IP
13 address on Facebook, including information about the type of action, the date and time of
14 the action, and the user ID and IP address associated with the action. For example, if a
15 user views a Facebook profile, that user's IP log would reflect the fact that the user
16 viewed the profile, and would show when and from what IP address the user did so.

17 28. Social networking providers like Facebook typically retain additional
18 information about their users' accounts, such as information about the length of service
19 (including start date), the types of service utilized, and the means and source of any
20 payments associated with the service (including any credit card or bank account number).
21 In some cases, Facebook users may communicate directly with Facebook about issues
22 relating to their accounts, such as technical problems, billing inquiries, or complaints
23 from other users. Social networking providers like Facebook typically retain records
24 about such communications, including records of contacts between the user and the
25 provider's support services, as well as records of any actions taken by the provider or
26 user as a result of the communications.

27 29. Therefore, the computers of Facebook are likely to contain all the material
28 described above, including stored electronic communications and information concerning

1 subscribers and their use of Facebook, such as account access information, transaction
2 information, and other account information.

3 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

4 30. I anticipate executing this warrant under the Electronic Communications
5 Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by
6 using the warrant to require Facebook to disclose to the government copies of the records
7 and other information (including the content of communications) particularly described in
8 Section I of Attachment B. Upon receipt of the information described in Section I of
9 Attachment B, government-authorized persons will review that information to locate the
10 items described in Section II of Attachment B.

11 **REQUEST FOR NONDISCLOSURE AND SEALING**

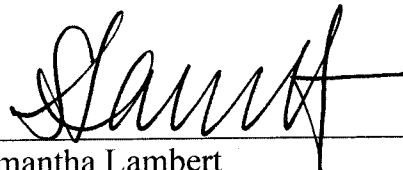
12 31. I request, pursuant to the preclusion-of-notice provisions of Title 18, United
13 States Code, Section 2705(b), that Facebook be ordered not to notify any person
14 (including the subscriber or customer to which the materials relate) of the existence of
15 this warrant for such period as the Court deems appropriate. The government submits
16 that such an order is justified because notification of the existence of this Order would
17 seriously jeopardize the ongoing investigation. Such a disclosure would give the
18 subscriber an opportunity to destroy change patterns of behavior and to continue his
19 flight from prosecution.

20 32. I further request that the Court order that all papers in support of this
21 application, including the affidavit and search warrant, be sealed until further order of the
22 Court. These documents discuss an ongoing fugitive investigation that is neither public
23 nor known to the target of the investigation. Accordingly, there is good cause to seal
24 these documents because their premature disclosure may seriously jeopardize the
25 investigation by assisting the target's continued flight from prosecution.

26 **CONCLUSION**


27 33. Based on the forgoing, I request that the Court issue the proposed search
28 warrant. This Court has jurisdiction to issue the requested warrant because it is "a court

1 of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a),
2 (b)(1)(A), (c)(1)(A). Specifically, the Court is “a district court of the United States . . .
3 that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).
4 Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not
5 required for the service or execution of this warrant. Accordingly, by this Affidavit, I
6 seek authority for the government to search all of the items specified in Section I,
7 Attachment B (attached hereto and incorporated by reference herein) to the Warrant, and
8 specifically to seize all of the data, documents and records that are identified in Section II
9 to that same Attachment.



Samantha Lambert
Deputy United States Marshal
United States Marshals Service

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17 Subscribed and sworn to before me on this 18 day of May, 2016.



The Honorable Mary Alice Theiler
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Facebook user ID 100002088505538, stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook shall disclose the following information to the government for the user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact email addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; Friend lists, including the Friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings;

rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending “Friend” requests;
- (f) All “check ins” and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account’s usage of the “Like” feature, including all Facebook posts and all non-Facebook webpages and content that the user has “liked”;
- (i) All information about the Facebook pages that the account is or was a “fan” of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user’s access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;
- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);

- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

The following information described above in Section I that relates to the ongoing fugitive investigation involving Monroe EZELL, for the user ID identified on Attachment A:

- (a) Any content including emails, messages, texts, photographs, visual images, documents, spreadsheets, address lists, contact lists or communications of any type that identify the user, and his or her location at any time since March 11, 2016.
- (b) All records relating to who created and used the user ID, and all records identifying any person with whom the user has been in contact at any time since March 11, 2016.
- (c) All subscriber records associated with the specified account, including name, address, local and long distance telephone connection records, records of session times and durations, length of service (including start date) and types of service utilized, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network

address, and means and source of payment for such service including any credit card or bank account number.

- (d) Any and all other log records, including IP address captures, associated with the specified account.
- (e) Any records of communications between Facebook and any person about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users about the specified account. This to include records of contacts between the subscriber and the provider's support services, as well as records of any actions taken by the provider or subscriber as a result of the communications.